



Signed and Filed: June 24, 2019

Dennis Montali

DENNIS MONTALI
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

<p>10 <input type="checkbox"/>.</p> <p>11 In re:</p> <p>12 PG&E CORPORATION,</p> <p>13 - and -</p> <p>14 PACIFIC GAS AND ELECTRIC</p> <p>15 COMPANY,</p> <p>16 Debtors.</p> <p>17 <input type="checkbox"/> Affects PG&E Corporation</p> <p>18 <input type="checkbox"/> Affects Pacific Gas and</p> <p>19 <input type="checkbox"/> Affects both Debtors</p> <p>20 <i>* All papers shall be filed in</i></p> <p>21 <i>the Lead Case, No. 19-30088</i></p> <p>22 <i>(DM).</i></p>	<p>Bankruptcy Case No. 19 -30088 (DM)</p> <p>Chapter 11</p> <p>(Lead Case)</p> <p>(Jointly Administered)</p> <p>Date: June 26, 2019</p> <p>Time: 9:30 a.m. (PST)</p> <p>Place: United States Bankruptcy Court Courtroom 17, 16th Floor San Francisco, CA 94102</p>
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ORDER GRANTING MOTION OF PACIFIC GAS AND ELECTRIC COMPANY
AND OTHERS FOR LIMITED RELIEF FROM STAY TO APPEAL CERTAIN
ORDERS OF THE FEDERAL ENERGY REGULATORY
COMMISSION (DKT. NO. 2359, 2400 AND 2403)

On June 3, 2019, debtor Pacific Gas & Electric Company (the
"Utility") filed a motion for relief from the automatic stay (Dkt.
No. 2359)(the "Utility MRS") so that it can file and prosecute
appeals of certain matters pending before the Federal Energy

1 Regulatory Commission ("FERC"). Specifically, the motion pertains
2 to what the Utility has defined as the FERC Orders in the Utility
3 MRS (at 5-4). In response, two parties to power purchase agreements
4 ("PPAs") with Utility, NextEra Energy, Inc. ("NextEra")(Dkt. No.
5 2400) and Consolidated Edison Development Inc. ("Con Edison")(Dkt.
6 No. 2403), filed motions seeking relief from the stay to participate
7 in any such appeal filed by Utility. Other counter-parties to PPAs
8 with Utility (collectively with NextEra and Con Edison, the "PPA
9 Counter-Parties") filed joinders in one or both of these stay relief
10 motions.¹ The PPA Counter-Parties also filed (or joined) limited
11 oppositions to the Utility MRS, almost all of which contend that
12 they should be entitled to participate in any such appeal as their
13 respective PPAs with Utility would be at issue.² Finally, FERC filed
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17 ¹The parties joining one or both of the motions for relief from stay
18 filed by NextEra and Con Edison include AV Solar Ranch 1, LLC and
19 Exelon Corporation (Dkt. No. 2406); Calpine Corporation (Dkt. No.
20 2411); EDF Renewables (Dkt. No. 2450); First Solar, Inc., Mojave
21 Solar LLC, and Willow Springs Solar 3 (Dkt. Nos. 2452 and 2454);
22 Agua Caliente Solar, LLC, MC Shiloh IV Holdings LLC, NRG Energy
23 Inc., Clearway Energy, Inc., Clearway Energy Group LLC, Solar
24 Partners II LLC, Solar Partners VIII LLC, and TerraForm Power, Inc.
25 (Dkt. No. 2606); and KES Kingsburg, L.P. and Vantage Wind Energy LLC
26 (Dkt. Nos. 2691 and 2692).

27 ²The parties joining one or both of the oppositions filed by NextEra
28 and Con Edison include Topaz Solar (Dkt. No. 2620); EDF Renewables
(Dkt. No. 2622); First Solar, Inc., Mojave Solar LLC, and Willow
Springs Solar 3, LLC (Dkt. No. 2623); AV Solar Ranch 1, LLC, and
Exelon Corporation (Dkt. No. 2624); Agua Caliente Solar, LLC, MC
Shiloh IV Holdings LLC, NRG Energy Inc., Clearway Energy, Inc.,
Clearway Energy Group LLC, Solar Partners II LLC, Solar Partners
VIII LLC, and TerraForm Power, Inc. (Dkt. No. 2641); Solar Partners
II LLC, Solar Partners VIII LLC, TerraForm Power, Inc. (Dkt. No.
2641); and KES Kingsburg, L.P., Vantage Wind Energy LLC (Dkt. Nos.
2691 and 2692).

1 a response indicating that it does not believe the automatic stay
2 applies to its proceedings in any event (Dkt. No. 2610).

3 Upon consideration of the pleadings and documents on file, the
4 court has determined that the automatic stay should be lifted (1) to
5 permit Utility to prosecute appeals of various FERC orders; and (2)
6 to permit the PPA Counter-Parties to move any appellate court for
7 leave to intervene in such appeals, and to participate in the appeal
8 as permitted by the appellate court. It is therefore ORDERED that
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10 1. The motions for relief from stay referred to above filed by
11 Utility, NextEra, and Con Edison are GRANTED to the extent
12 provided below.

13 2. The automatic stay shall be lifted, to the extent it
14 applies, without further order of this Court, to permit the
15 Utility, FERC, the PPA Counter-Parties, the Official
16 Committee of Unsecured Creditors of PG&E Corporation (the
17 "Committee") and PG&E Corporation to participate in and
18 prosecute and/or defend (as applicable) to conclusion any
19 appellate review of the FERC Orders, including by: (a)
20 seeking or opposing any consolidation of the appeal of the
21 FERC Orders with the appeal of this Court's Amended
22 Declaratory Judgment in Adv. Proc. 19-3003 (Dkt. No. 155);
23 (b) participating in briefing or argument relating to
24 consolidation, motions to intervene, or the merits of the
25 appeals of any of the FERC Orders; (c) petitioning for
26 rehearing or rehearing en banc or participating in briefing
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1 or argument relating to any such petition; and (d)
2 participating in briefing or argument relating to any
3 proceedings in the U.S. Supreme Court, including filing or
4 opposing a petition for a writ of certiorari.

5 3. Retroactive relief from the automatic stay, to the extent of
6 applies, is GRANTED to preclude any invalidation based on
7 the automatic stay of (a) any of the FERC Orders issued by
8 FERC after the petition date and before the date of this
9 order and (b) the Utility's requests for rehearing.

10 4. The automatic stay did not and does not apply to Debtors'
11 filing of Adv. Proc. 19-3003, nor to any subsequent orders
12 therein, including any appeals or petitions for direct
13 appeal, or oppositions to any of the foregoing. This order
14 applies regardless of any orders of the United States
15 District Court or the United States Court of Appeal for the
16 Ninth Circuit relating to any orders issued in that
17 adversary proceeding.

18 5. The hearings now scheduled for June 26, 2019 at 9:30 a.m. on
19 the motions for relief from stay filed by Utility, NextEra,
20 and Con Edison and any joinders are dropped from the
21 calendar.

22 *** END OF ORDER ***
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